

# 2004 REVIEW

by Roger Rostvet, Department Deputy Director

**H**unting and fishing opportunities in North Dakota were excellent, as was participation.

Even though we're a state with a relatively stable population – a population that is aging and becoming more urbanized – we continue to recruit and retain hunters and anglers. This differs from the national trend because of the outdoor opportunities available in North Dakota. Plus, near record participation by nonresidents, despite recent changes in rules and fees.

One area the North Dakota Game and Fish Department focused a lot of time and funding in 2004 was on its Private Land Open To Sportsmen program. Because the majority of the land in the state is privately owned, access to our tremendous wildlife resources has been a growing concern. In 2004, however, the PLOTS program more than doubled – over 700,000 acres – the number of acres now open to hunters.

Having a stable to increasing revenue base has placed Game and Fish in an enviable financial situation, while many state agencies face cutbacks or are forced to rely on competitive general tax funds.

The Department remains self-supporting without receiving any general state tax monies. Because the Department maintains a surplus roughly equal to one year's expenditures, it allows us to steadily move forward, and yet have the flexibility to expand on projects such as PLOTS and respond to unanticipated challenges.

A good example was the unanticipated funding required in 2004 to maintain adequate access to both Lake Sakakawea and Devils Lake. Instead of cutting statewide programs or delaying planned projects, we received legislative authority to increase our spending using surplus funds. The challenge of operating under this management philosophy is that in government, reserve funds are always viewed with covetous eyes. Purchasing land for conservation is no easy task. While the property must not only be unique, it must be viewed that the best use of the land is for it to be held in public ownership. The finalization of two land acquisitions – about 1,500 acres – at the confluence of the Yellowstone and Missouri rivers typifies such a project. A long list of partners made this possible, and eventually these properties will be turned over to the Department for management in perpetuity.

Lawmakers have gathered this month for the start of the 2005 legislative session. In North Dakota, the legislature is the governing body for most laws concerning wildlife. The Game and Fish Department and executive branch are only empowered with those functions and authority delegated by legislation.

The 2003 legislative session was one of the busiest sessions ever when viewed from a wildlife standpoint, and 2005 will probably be similar. The uses and values of wildlife are changing rapidly. It can be said that the value and competing uses of wildlife are now, more than ever, worth arguing over. Decisions made after public debate will not only set the direction of the Department, but set the course for wildlife and its utilization for many years to come. Citizen involvement is a critical part of this process.

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## WILDLIFE DIVISION

### DEER

After a string of mild winters helped deer numbers climb above management goals in much of the state, 2004 may well be the highpoint in North Dakota's deer population and opportunities for hunters.

The Game and Fish Department took several aggressive steps last fall to manage deer in many of the state's hunting units:

- \* Issued a record 145,250 deer licenses.
  - \* Allowed hunters for the first time to obtain an unrestricted number of antlerless white-tailed deer licenses.
  - \* Changed the license-issuing system to get additional antlerless whitetail licenses in the hands of bowhunters in early September.
  - \* Implemented a special December deer season to help ensure adequate harvest of whitetail does.
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## PHEASANTS

In 2003, hunters shot nearly 600,000 pheasants, the highest harvest in North Dakota in more than 50 years. It appeared this record harvest would be equaled or surpassed in 2004, thanks to a mild winter that helped many birds make it through what is typically a difficult time of year. However, cold, wet weather in early spring and summer over much of the state likely reduced pheasant brood sizes significantly, reducing hunter harvest in the fall. Even so, the number of roosters shot in 2004 should be as good or better than average for the last 25 years.

We also saw in 2004 the continuation of a trend that began a couple of years ago where hunters, particularly resident pheasant hunters, began shying away from the southwestern part of the state. This trend was most likely precipitated by widespread fee hunting, multiple years of drought, and the associated haying of CRP that reduced hunting opportunities in the southwest. Resident hunters, and an increasing number of non-resident hunters, began searching elsewhere for other pheasant hunting opportunities. They found them in southeastern North Dakota where access for hunters was better, fee hunting operations were fewer, and pheasant populations higher than typical, due to good habitat conditions and mild winters.

## PRAIRIE CHICKENS

After nearly a 60-year wait, the state held its first prairie chicken season in 2004, a nine-day hunt held in northeastern and southeastern North Dakota. This special opportunity was afforded to 100 lucky residents.

Hunter success in the northeast near Grand Forks, according to early reports, was greater than in the southeast where weather and habitat conditions made birds more difficult to find.

Department officials learned a lot from this first season in nearly six decades and will look at adjustments in future years, as well as monitoring prairie chickens to ensure the limited harvest does not affect the population.

## CRP

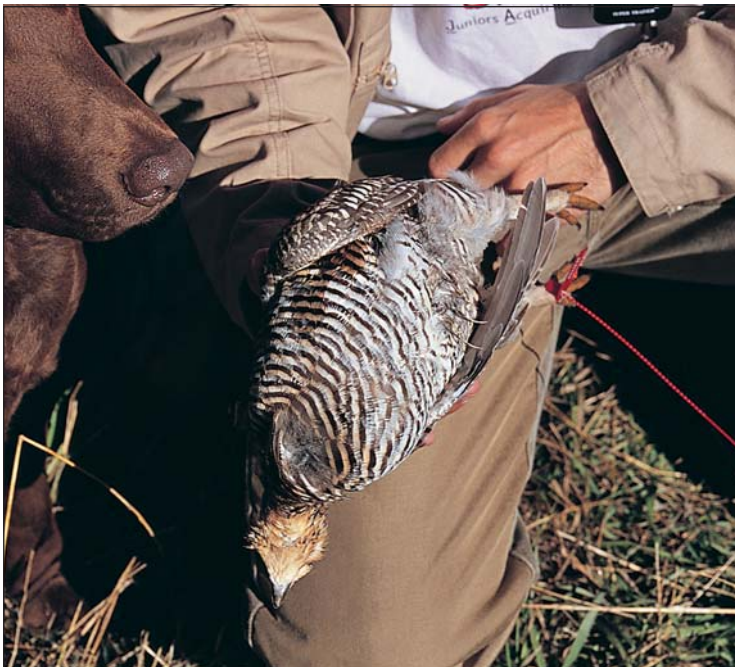
Whether we're talking about pheasants, deer, grouse or other animals, it's important to note the primary reason North Dakota has experienced nearly 20 years of expanding and improving wildlife populations and hunting opportunities is because of the Conservation Reserve Program.

One of the most important issues facing North Dakota's wildlife enthusiasts today is preserving the state's 3.4 million CRP acres. It's going to be difficult. In 2003, during the fall CRP sign-up, nearly 3,000 North Dakota landowners wanted to enroll acres into the

program, but fewer than 300 were accepted. To blame, in part, are changes in how the U.S. Department of Agriculture ranks and rates offered acres, resulting in dramatically lower acceptance rates. The result is a shift in CRP acres to other portions of the country where land rental rates are much higher and wildlife production benefits are arguably less beneficial, especially for migratory waterfowl.

If current low acceptance rates prevail in years to come, North Dakota will reach a crossroads in 2007, when contracts on 1.7 million acres of CRP will expire. In that one year we could lose more than half the CRP in the state. In the few years following 2007, even more contracts will

expire, adding to the acres no longer providing soil, water and wildlife benefits – a devastating proposition for wildlife populations and people who like to hunt.



*Conservation Reserve Program acres (left) are critical to the survival of wild game in North Dakota. Prairie chickens (above), an upland game bird not hunted in the state for decades until 2004, are one of those species.*



# FISHERIES DIVISION

## MISSOURI RIVER WATER LEVELS

The past year was one of extremes for fisheries and fishing. Western North Dakota was in the second year of a drought, while most areas in the eastern half of the state had above average precipitation.

Low water levels at Lake Sakakawea in 2004 created access problems for anglers and boaters. It also threatened the health of the reservoir's coldwater habitat, which is critical to the survival of rainbow smelt, the primary forage for walleye, salmon and other predators. While some smelt died, we may have dodged a bullet thanks to relatively cool summer temperatures that buffered the negative effects of lower water levels. However, if Sakakawea experiences another low-water year, the situation will be more critical.

Going into the open-water season on Sakakawea, there were only a couple boat ramps available for use. By Memorial Day, however, there were 18 functional ramps on the big lake, and 22 by summer's end.

Gaining access to Sakakawea was not without cost. While the Department typically has \$300,000 available for statewide boating access, we knew it would take more than \$750,000 at Sakakawea for Game and Fish alone to provide the access needed. In the end, with cooperation of the U.S. Army Corps of Engineers in Riverdale, State Parks and Recreation Department and numerous local entities, more than \$1.3 million was spent for boating access on Sakakawea. It's anticipated even more money will be needed to provide similar access in 2005.

While a large amount of time and effort went into Lake Sakakawea, other state waters also required access work. Little work was accomplished on Lake Oahe simply because there weren't many sites with which to work. At Devils Lake, workers battled rising rather than falling waters. One ramp was barely functional because of high water and was relocated. Other areas required maintenance work to keep them functional.

## FISHING ACCESS

Access to Sakakawea shorelines by vehicle was also a concern in 2004. All lands around Lake Sakakawea below 1,850 feet above mean sea level are controlled by the Corps, which doesn't allow motorized vehicle traffic below that elevation. This caused some problems, especially during the spring northern pike season, but we worked with the corps to allow access at select areas. While we didn't see much progress in 2004, we hope to see access in spring 2005. Nesting sites for threatened bird species and archaeological concerns complicate the issue. Reduced access is a concern for Department officials as shorefishing on Sakakawea has dropped about 95 percent in the last decade, due in large part to lack of access.

The Department's stance is to provide access to as much shoreline as possible. Corps officials could make a decision on the issue early this year, possibly opening up more than 35 areas to vehicular access.

## AQUATIC NUISANCE SPECIES

Aquatic nuisance species were given a priority in 2004 because of their potential to negatively influence North Dakota's waters. A statewide management plan was drafted with the goal of securing federal funding so more could be done. Today, there are few ANS species in the state and we'd like to keep it that way. Once introduced and established – carp are a good example – ANS are difficult to eradicate.

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*Low water levels at Lake Sakakawea created some access problems for both anglers and boaters.*





*Scott Elstad, Game and Fish aquatic habitat coordinator, plants one of 700 willows, as part of the Department's SOL program, on a small lake in North Dakota.*

## SAVE OUR LAKES

The Department's Save Our Lakes program was busy in 2004. A number of major projects – not to mention many smaller projects – on about eight lakes were either started or continued in 2004. The goal of this program is to enhance or restore aquatic habitat resources to protect the states fisheries. Some of the work included shoreline enhancements, sediment dam installations, sediment removal, cost-sharing in livestock waste management systems, and exclusion areas in riparian corridors.

While the challenges are many, North Dakota's fishery is in good shape. While predictions are a dangerous thing, the forecast is for good fishing in most waters in the state in 2005.

## ENFORCEMENT DIVISION

### COMMERCIAL BUSINESSES

North Dakota game wardens have always monitored commercial businesses related to wildlife, like hunting guides, fishing bait vendors and others licensed by the Game and Fish Department. In recent years, however, the volume of commercial activity associated with hunting and fishing in North Dakota has increased dramatically, so much so that individual wardens no longer have sufficient time or resources to investigate all the information coming in.

Ten years ago the Game and Fish Department licensed about 135 hunting and fishing guides in the state. Now that number of guides has increased to more than 400. In response to this escalation in commercial activity, the North Dakota Legislature in 2003 overhauled state rules and regulations relating to guiding and outfitting, and authorized an additional position for the enforcement division dedicated solely to commercial and licensing investigations and undercover work. This position just got off the ground in 2004 and already we're starting to realize benefits.

Many other states for years have had wardens who work just on commercial activity and long-term investigations. Often, investigating suspected illegal activity by commercial operations requires undercover work. Obviously, the local warden is not going to get very far doing undercover work in his own district. Even if he or she could, thorough undercover work would take away too much time from other necessary duties, like patrol and responding to violations.

We're fortunate to now have Bruce Burkett as our commercial and investigations supervisor. During 2004 Burkett established rules and testing procedures to implement the new law, and with assistance of the enforcement staff administered the first round of qualification tests for hunting guides and outfitters (there is no test for fishing guides). He also began coordinating statewide undercover work.

As the year winds down, we have made substantial progress that would not have been possible without this new position.

While most commercial operations such as guides and outfitters run clean businesses, those who do not have the potential to markedly reduce wildlife populations in local areas, much moreso than individual hunters or anglers. We still have some challenges with staffing and policy development related to our commercial and undercover work, but we're excited about the potential this position adds to our state wildlife law enforcement mission.

## ADMINISTRATIVE DIVISION

### LICENSE SALES

The number of hunters submitting online applications continues to increase each year, as more than 37 percent of all applications submitted in 2004 were through the Game and Fish website, up from 31 percent in 2003.

Of nearly 216,000 applications received in 2004, more than 79,000 were submitted online. In 2003, almost 186,000 applications were submitted and 57,000 of those were done online.

The bulk of online activity is attributed to deer applicants. Through December 3, the Department received 153,273 deer applications, with 58,710, or 38 percent, submitted online.

Nonresident waterfowl and small game licenses are not figured into any of these totals, because at the time of this writing the hunting seasons were still open and licenses were still being purchased. However, based on preliminary figures, we can estimate that 2004 nonresident waterfowl sales will not reach the total sold in 2003, but nonresident small game license sales will increase.

As of December 6, nonresidents had purchased 24,355 waterfowl licenses. In 2003, more than 26,000 nonresidents were licensed to hunt waterfowl.

Based on the number of licenses sold over the internet by mid-December in 2004, nonresident small game license sales are expected to top the 2003 count of 28,687 licenses.



# CONSERVATION/COMMUNICATIONS DIVISION

## NO MOW

In the mid- to late 1970s, the North Dakota Department of Transportation began making environmental commitments on some federal highway projects. In North Dakota, along sections of U.S. highways 2 and 83, DOT agreed to restrict or prohibit haying in the right-of-way ditches and median as a way to compensate for the grassland and wetland habitat that was altered or destroyed when these roads were converted from two lanes to four.

These agreements became known as "No Mow," and over the years No Mow became controversial. Adjacent landowners, who previously were allowed to hay the rights-of-way, complained when that was no longer allowed, except in drought emergencies. Natural resource agencies complained about the frequent drought emergencies that opened the rights-of-way to haying.

The state legislature in 2001 directed DOT to develop a plan to eliminate the No Mow areas. In concert with the State Land Department and Game and Fish, DOT offered to replace the 8,200 acres of No Mow rights-of-way with about 4,800 acres of state school land that generated low or no return. DOT would purchase the tracts from the State Land Department, and Game and Fish would manage the tracts as wildlife management areas.

The 2003 state legislature approved the plan and authorized the land acquisition. In the end, the plan was considered a winner for all involved. The No Mow areas would be eliminated. The State Land Department would receive money for tracts that produced little income, and the Game and Fish Department would gain nearly 5,000 acres of WMAs on which it could improve fish and wildlife habitat and offer more productive public use.

To get the process started, Game and Fish personnel visited many low-return school land tracts and analyzed their potential as WMAs. Throughout early 2004, DOT held public hearings in the 14 counties in which potential state school land purchases were identified.

After the hearings, the land tracts were appraised, and several that were deemed too expensive were replaced with other acres.

As we head into 2005, more hearings and appraisals are scheduled. If all goes according to plan, Game and Fish should have management agreements signed by the end of the year.

## SPECIES OF CONSERVATION PRIORITY

In 2004, the Game and Fish Department completed its first list of species of conservation priority. Development of this list is a responsibility of states that receive federal funding through a program called State Wildlife Grants.

After considerable research and gathering of input from agencies, organizations and experts, Department biologists identified 100 fish and wildlife species that needed some level of conservation help to prevent them from eventually becoming federally threatened or endangered species. These species were featured in the July 2004 issue of *North Dakota OUTDOORS*.

The list is important because it provides a starting point for determining which species need help the most. In 2005, Game and Fish biologists will work on strategies for conserving these species. That plan is called a Comprehensive Wildlife Conservation Strategy, and is also requirement for agencies that want to continue receiving SWG money.

Scheduled for completion in October 2005, the CWCS is a unique opportunity to initiate meaningful conservation for a variety of nongame fish and wildlife species.

## EDUCATIONAL PROGRAMS

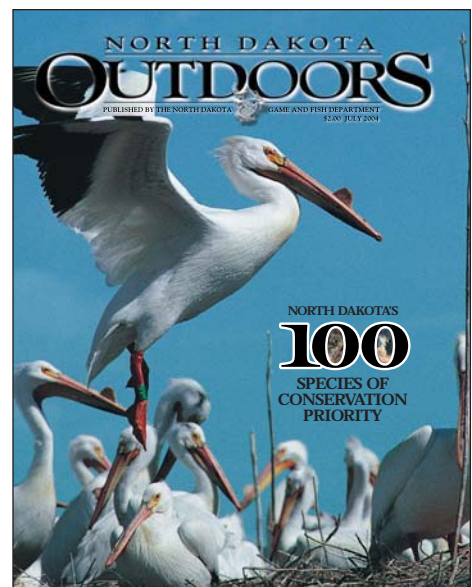
The Department added two new educational programs in 2004 – Wildlife of North Dakota and Birds of North Dakota.

Wildlife of North Dakota shows how wildlife survive on the Northern Plains, while stressing the importance of habitats in which these species live. The project incorporates the use of a trunk containing wildlife parts, CD and curriculum that both volunteers and teachers can use to educate students.

Birds of North Dakota uses bird identification to teach about the variety of birds in the state, while also stressing the importance of habitat critical to survival. Instructional aids include bird slides or a CD, binoculars, field guides and a backpack to allow volunteers and teachers to take their students into the field.

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*Game and Fish Department Division Chiefs contributed to this article.*



*The July issue of North Dakota OUTDOORS featured 100 fish and wildlife species that need some level of conservation help.*

# SUMMARY OF VIOLATIONS – JULY 1, 2003 TO JUNE 30, 2004

## BIG GAME (GUN)

Hunting without a license	11
No general game license and habitat stamp	4
Using another's license	7
Failure to carry license on person	5
Failure to sign or affix stamp	7
Shining (using artificial light)	6
Illegal possession/taking	26
Unlawful transportation	3
Aiding in concealment of unlawful game	5
Exceeding limit	1
Hunting in closed season	2
Hunting in wrong unit or closed area	11
Failure to tag game	38
Kill wrong species or sex	9
Use of motor vehicle off established trail	48
Harassing game with motor vehicle	12
Hunting on posted land without permission	32
Hunting before/after legal hours	6
Failure to accompany/transport other's game	2
Failure to wear fluorescent orange	5
Gratis hunter hunting off described land	2
Other big game violations	18
Total	260

## BIG GAME (BOW)

Failure to carry license on person	2
Failure to sign or affix stamp	1
Failure to tag game	2
Using motor vehicle off established trail	3
Failure to wear fluorescent orange during gun season	1
Total	9

## UPLAND GAME

Hunting without small game license	9
Failure to carry license on person	9
Failure to sign or affix stamp	3
Using gun holding more than three shells	25
Illegal possession or taking	12
Unlawful transportation	1
Exceeding limit	8
Hunting in closed season	7
Hunting in closed area	1
Failure to leave identification of sex on game	20
Killing wrong species or sex	3
Using motor vehicle off established trail	24
Hunting on posted land without permission	21
Hunting before/after legal hours	2
Failure to accompany/transport other's game	1
Failure to tag turkey	2
Gratis hunter hunting off described land	1
Other upland game violations	16
Total	165

## MIGRATORY BIRDS

Hunting without nonresident/small game license	1
Failure to carry license on person	25
Failure to sign or affix stamp	1

Using shotgun with more than three shells	12
Illegal possession/taking	3
Exceeding limits	22
Hunting in closed season	6
Failure to leave identification of sex on game	32
Kill wrong species or sex	4
Wanton waste	4
Harassing game with a motor vehicle	1
Hunting on posted land without permission	4
Hunting before/after legal hours	14
Steel shot violation	19
Hunting without federal waterfowl stamp	6
Other migratory bird violations	5
Total	159

## FURBEARER

Hunting/trapping without a license	4
Use or possession of illegal snares	1
Illegal possession or taking	11
Harassing furbearers with a motor vehicle	9
Hunting/trapping on posted land without permission	1
Other furbearer violations	5
Total	31

## FISHING

Fishing without a license	93
Unlicensed fish house	9
Using another's license	1
Failure to carry license on person	73
Use more than legal numbers of hooks per pole/line	2
Illegal method of taking fish	8
Aid in unlawful concealment of game	3
Exceeding limit	30
Fishing in closed area	2
Taking undersized/oversized fish	4
Failure to remove fish house	1
Depositing fish/fish parts on shore	1
Possession of/fishing with illegal bait	5
Failure to attend lines	5
Fishing with excessive lines	33
Paddlefish/pallid sturgeon violations	9
Other fish, frog, turtle, clam violations	23
Total	302

## BOATING

Use of unlicensed or unnumbered boat	78
Unlicensed boat rental	2
Operating without lights at night	23
Inadequate number of personal floatation devices	138
No observer while towing skier	75
Failure to report boating accident	3
Operating boat under influence/when intoxicated	6
Reckless or negligent operation	19
Other prohibited/hazardous operations	54
Other boating violations	32
Total	430

**MISCELLANEOUS**

Failure to register snowmobile/ATV	15
Shining wildlife	8
Loaded firearm	85
Fleeing	6
Use of illegal firearm	1
440 yard violation	34
Killing or possession of harmless birds	3
Juvenile afield with firearm	1
Wildlife management area violation	30
Hunting in federal refuge/parks	4
Minor in possession of alcohol	69
Possession of controlled substance	6
Possession of drug paraphernalia	2
Hunting while intoxicated	1
No guide/outfitter license	2
No taxidermist license	3
Misrepresentation in license application	53
Purchasing hunting license without safety course	6
Hunting for another	1
Failure to appear on citation	8
Littering public areas/waters	51
Shooting preserve violatons	3
Hunting without a license	2
Other ND Game and Fish violations	33
Non-ND Game and Fish violations	49
Total	476

**TOTAL CITATIONS STATEWIDE 1,832**

**2004 SPECIAL BIG GAME LICENSES**

	<b>Licenses Available</b>	<b>Applications Received</b>
Moose	135	13,224
Elk	219	12,052
Bighorn	4	8,338

**FINANCIAL STATEMENT**

July 1, 2003 to June 30, 2004

Income	\$22,847,866.66
Expenses	\$21,841,681.44

**FUND BALANCES, FIXED ASSETS AND LONG-TERM DEBT**

Game and Fish General Fund	\$25,755,627.58
Habitat and Depredation Fund	\$169,156.94
Nongame Wildlife Fund	\$77,237.38

TOTAL ALL FUNDS	\$26,002,057.90
FIXED ASSETS	\$19,813,879

**DEPARTMENT NET WORTH \$45,815,936.90**

**2003 LICENSES AND PERMITS ISSUED**

	<b>Resident</b>	<b>Nonresident</b>
Fishing	45,127	7,674
Husband/Wife Fishing	16,773	2,199
Senior Citizen Fishing	11,580	
Disabled Fishing	497	
Short-Term Fishing		
7-Day		7,618
3-Day		18,187
Paddlefish Tags	2,456	644
Commercial Tags	19	
Retail Bait Vendor	254	
Wholesale Bait Vendor	33	10
Fish Hatchery	4	
2003 Boat Registrations (Second year of 3-year decal)		6,775
Boat Rentals	19	
General Hunting	59,846	45,846
Small Game Hunting	30,209	28,687
Combination License	42,714	
Waterfowl Hunting		26,066
Furbearer Hunting/Trapping	13,544	1,718
Fur Buyer (2002-03)	31	1
Nongame Hunting		1,218
Deer Gun Hunting	112,321	2,537
Deer Gun Hunting (Gratis)	12,832	104
Deer Bowhunting	13,790	1,609
Pronghorn Gun Hunting	1,021	
Pronghorn Gun Hunting (Gratis)	609	
Pronghorn Bowhunting	1,141	90
Moose Hunting	128	
Moose Hunting (Preferential Landowner)	16	
Elk Hunting	236	
Elk Hunting (Preferential Landowner)	40	
Bighorn Sheep	4	
Turkey Hunting (Spring)	3,440	
Turkey Hunting (Fall)	8,535	
Turkey Hunting (Gratis Spring)	336	
Turkey Hunting (Gratis Fall)	574	
Habitat Stamp	105,692	
Shooting Preserve	33	
Fishing/Hunting Guide	458	
Taxidermist	149	
Falconry	2	
Scientific Collector	41	